

**ORDINANCE
CITY OF WOODSTOCK, GEORGIA**

**AN ORDINANCE AMENDING CHAPTER VII OF THE LAND DEVELOPMENT
ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA**

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia Law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²;

Whereas, the City Council of the City of Woodstock, Georgia desires to replace the existing **Chapter VII, Section 7.505 USE/ZONING DISTRICT MATRIX** of the Land Development Ordinance, City of Woodstock, Georgia with a new Section 7.505 as set forth herein; and

Whereas, the purpose of this revision is to permit Residential- Single Family Detached within DT-CBD and DT-RO within the DT-HO Historic Zone;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL ORDAINS, by the lawful authority vested in them as follows:

¹ Ga. Const. 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly."

² O.C.G.A. §36-35-3(a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable hereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code Section. This Code Section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."

Section 1.

Chapter VII Sec. 7.505 Use/Zoning District Matrix of the Land Development Ordinance of the City of Woodstock, Georgia is hereby repealed in its entirety and a new **Chapter VII Section 7.505 Use/Zoning District Matrix** as more particularly set forth on Exhibit "A" attached hereto and made a part hereof by reference is hereby inserted in lieu thereof.

Section 2.

The City Clerk is hereby authorized and directed to incorporate the provisions of the **new Chapter VII Sec 7.505** as set forth on Exhibit "A" attached hereto into the Land Ordinance for the City of Woodstock, Georgia replacing the existing **Chapter VII Section 7.505**.

Section 3.


Repeal of conflicting Ordinances. Any and all ordinances, resolutions, or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Severability. If any sentence, clause, part, paragraph, section, or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole or any other part hereof shall not be affected.

Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS 12 DAY OF January, 2015

First Reading Date: 12-15-14
Public Hearing Date: 12-15-14
Public Hearing Advertised: _____
Final Adoption Date: 1-12-15



DONNIE HENRIQUES,
MAYOR CITY OF WOODSTOCK,
GEORGIA



RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK



Evaluation Prepared by: Jessica Guinn, AICP

PC Meeting: December 4, 2014

Council Meeting: December 15, 2014

Agenda Item:

A text amendment to LDO Chapter VII, Section 7.505. Use/Zoning District Matrix.

Summary:

Under the current code, Residential- Single Family Detached is not a permitted use within the DT-CBD District or the DT-RO District (except fronting on D-Streets). Some of the properties within these districts are also located within the Downtown Historic Zone (DT-HO), which is intended for development of scale and character compatible with historic residential buildings. All buildings within DT-HO are required to have Residential Treatment, regardless of use. In light of the intent and requirements of the Historic Zone, it is appropriate for Residential- Single Family Detached to be a permitted use in DT-CBD and DT-RO for properties within the Historic Zone.

A text amendment to Section 7.505- Use/Zoning District Matrix, is proposed to add the P*8 footnote to Residential- Single Family Detached within the DT-CBD District. An accompanying amendment to Section 7.506- Additional Development Regulations Required, will specify that Residential- Single Family Detached is a permitted use in the DT-CBD and DT-RO Districts for properties within the Downtown Historic Zone. Not only will this amendment ensure that new development is appropriate within DT-HO, it will also ensure that existing single-family detached residences on properties within the Historic Zone are able to remain and be rebuilt in the event of unforeseen circumstances that may lead to the destruction of these structures, such as fires, weather events, etc. Currently, these are legally non-conforming uses, and could only be reconstructed so long as any structure was damaged to an extent of no more than 60% of the fair market value. Also, if a single-family detached residence within the Historic Zone were to be vacant for any period of time, this amendment would allow for those structures to be utilized again as single-family residences, whereas the current code would prohibit further use as a single-family residence if the use were to be discontinued for any period of time.

EXHIBIT "A"
CHAPTER VII SECTION 7.505
OF LAND DEVELOPMENT ORDINANCE

7.505. Use/Zoning District Matrix.

The following Use/Zoning District Matrix identifies the uses which are permitted in each zoning district and uses which are eligible for a Conditional Use Permit. Permitted uses are marked with a "P" and uses eligible for consideration under the issuance of a Conditional Use Permit are marked with a "C".

Additional development regulations or standards may further restrict uses marked with a "*" and a corresponding number. Refer to section 7.506 for notes regarding these regulations.

Uses in which additional development regulations or regulatory permits are required are marked with a "R". Refer to section 7.506 for these definitions or regulations. Further, additional development regulations may be required in the District Development Standards for the zoning district that the property is located in.

[illegible]

Automotive Repair Facility - Minor	P		P	P									P						
Automotive/Truck - Sales, Service, Parts	C												P						
Automotive/Truck - Salvage, Scrap Parts				C															
Bakery - Production, Distribution			P	P									P						
Bakery - Retail	P	P								P	P	P	P*1						
Bank, Financial Institution	P	P			P					P	P	P	P*3						
Bar/Tavern										P*1	P	P							
Barber Shop, Beauty Salon, Spa	P	P								P	P	P	P*1						
Bed and Breakfast Inn										P	P		P						
Bottled Gas - Storage, Distribution				P															
Bottling Plant				P															
Bowling Alley	P		P								P	P							
Broadcast Station - With antenna				C															
Broadcast Studio - No antenna or visible communication device	P		P	P						P	P	P							
Builder Supply - Distribution or Warehouse			P	P															
Builder Supply - Retail	P	P*2								P	P	P							
Car Wash	P											P							
Cemetery	C											C							
Check Cashing/Title Pawn/Bail Bond				C															
Child/Day Care Center	P	P			P						P	P	P						
Church, Place of Worship	P	C			C					C	C	P	C						
Club, Lodge	P	P*1			P					P	P	P	P*1						
Communication, Cellular, Microwave Tower	C			C	C							C							
Concrete/Paving - Batch Plant				P															
Customary Home Occupation (ref: Section 7.507–7.508)						P	P	P	P										
Designated Recycling Collection Location	C		P	P								C							
Dry Cleaning/Laundry -	P	P			P					P	P	P	P*1						

Drop Off, Pick Up Only																	
Dry Cleaning/Laundry - On Premise			P	P								P					
Family Care Facility								C						C			
Farmer's Market	P	P*1							P	P	P	P*1					
Firearm Dealer (R)	C		C								C						
Florist - Production, Distribution	P		P	P							P						
Florist - Retail	P	P*1		P					P	P	P	P*1					
Funeral Home	P								P		P						
Funeral Home - With crematory	C		C								C						
Garden/Landscape Supply - Distribution or Warehouse			P	P													
Garden/Landscape Supply - Retail	P	P*1									P						
Gas/Fuel Station	C		C							C	C						
Go kart/Motorbike Track			C														
Golf Facility - Public or Private	C				P	P	P	P									
Government Buildings	P	P	P	P	P				P	P	P	P					
Gravel, Mineral Excavation and Processing			P														
Group Care Facility								C						C			
Heavy Equipment - Sales, Service, Storage, Rental			P	P													
Hospital	P		P	P							P						
Hotel (R)	C			C					P	P	P						
Ice Manufacturing, Sales			P	P													
Instructional Studios - Dance, Gymnastics, Martial Arts	P	P							P	P	P						
Junk, Salvage Yard			P														
Laboratory	P		P	P	P						P						
Limited Accessory Use - Commercial (R)													P				P
Liquor, Package Store	P										P						
Machine Shop, Fabrication Facility			P	P													
Manufacturing Facility			P														
Manufacturing Facility - Limited (R)			P								P*5						

Meat Processing Facility				P													
Mobile Home Sales				P													
Movie/Performance Theater	C		C							P*1	P*1	P*1					
Museum/Historical Display	P	P			P					P	P	P					
Office - Common Business, Medical, Professional Service	P	P	P	P	P					P*6	P	P	P				
Office - Contractor (R)	P	P	P	P	P					P*6	P	P	P				
Office - Real Estate Sales/Associated Services	P	P			P					P*6	P	P	P				
Parking - Commercial (R)	P									P	P	P					
Park/Open Space - Public									P								
Pawn Shop/Precious Metal, Gem Dealer (R)	C		C	C													
Petroleum Products - Storage			C	C													
Printing/Publishing/Engraving - Production Facility			P	P													
Printing/Publishing/Engraving - Retail	P		P	P								P					
Recreation Center/Facility - Commercial	P										C	P					
Recreational Vehicle - Sales, Service, Parts	C			C								C					
Recreational Vehicle - Salvage, Scrap Parts				C													
Residential - Accessory Dwelling Unit										P			P	P	P		
Residential - Assisted Senior Living								P		P	P			P			P
Residential - Independent Senior Living								P		P	P	P		P			P
Residential - Live/Work Unit										P			P	P			
Residential - Multi-Family, Fee Simple								P		P	P	P	P	P			
Residential - Multi-Family, Rental								P		C	C	C	C	C			
Residential - Single Family Attached							P*7			P	P	P	P*8	P			P
Residential - Single Family Detached					P	P	P*7			P*8			P*8	P	P	P	
Restaurant - Drive-In	P											P					

[illegible]